

In The United States District Court For The Middle District  
of Pennsylvania

William Mayo,  
Plaintiff,

v

John E. Wetzel,  
Defendant.

Civil action No. 1:18-CV-0878

Hon. Judge Christopher C. Conner

Civil Rights Complaint

**FILED**  
HARRISBURG, PA

JAN 11 2023

Motion To Strike

PER

  
DEPUTY CLERK

Now comes Plaintiff, William Mayo pro se litigant, whom would like to motion this court pursuant to Rule 12(f) Fed. R. Civ. P. to strike defendant's December 13, 2022 motion for mental examination of Plaintiff given the doctrine of res judicata arguably stands at its cornerstone which Plaintiff submit in support thereof:

### Relevant Procedural History

1. This action has been subject to a initial motion for summary judgement, a motion for reconsideration and a supplemental motion for summary judgement all of which has been  
(1 of 4)

subsequently denied.

2. The court on December 12, 2022 issued a case management order (which accompanied a civil practice order), yet defendants' the very next day, as a antic, filed a motion for mental examination of Plaintiff.

3. Plaintiff would like to utilize this opportunity to emphasize his assertion of defendants' motion being "a antic" for the following three (3) reasons: (1) a Rule 35 motion is typically filed prior to discovery being closed, (2) within the context of the aforesaid motion defendants' insinuated that Plaintiff has been in solitary confinement for 29 months [i.e. Paragraph 5], however Plaintiff has been in solitary confinement for a total of seven (7) consecutive years and (3) defendants' contention that the aforesaid motion being a prerequisite to engage in [a] settlement discussion [i.e. Paragraph 13] is preposterous and there isn't any standard of law to substantiate.

Secondary Claim For Review

(2)

4. Defendants' also assert "at this time, the parties are still attempting to discuss settlement." [i.e. Paragraph 4] and "lastly, defendant is unable to meaningfully engage in settlement discussions without obtaining an independent medical evaluation of the Plaintiff to determine the extent of his injuries, if any." [i.e. Paragraph 13 (Id)]

5. The clearcut contradiction is evident, yet aside from the obvious there isn't any evidence on record to corroborate that any attempt has been to initiate a settlement discussion - only defendants' blatant attempt to display a antic which has record base evidence to substantiate as abovementioned arguably raise to a level of res judicata.

### Conclusion

wherefore, Plaintiff respectfully request if this Court can grant his motion to strike defendants' motion for mental examination of Plaintiff and a settlement conference can be scheduled prompt to include Plaintiff, the Mediator (i.e. Mr. Joseph Barrett, Esq.) and Counsel for defendant (i.e. Ms.

Lindsey A. Bedell, Esq.) at the court's earliest convenience.

~~William Mayo~~  
Mr. William Mayo # FZ-2947  
SCI Phoenix  
1200 Mokychic Drive  
Collegeville, Pa. 19426

date: January 9, 2023



Mr. William Mayo # FZ-2947  
SCI-Phoenix  
1200 Mokychic brive  
Collegeville, Pa. 19426

January 9, 2023

The Clerk of Court  
U.S. District Court  
P.O. Box 983  
228 Walnut St.  
Harrisburg, Pa. 17108

Re: William Mayo v. John E. Wetzel, <sup>NO.</sup> 1:18-CV-0878

To: (the) Clerk of Court,

Please find enclosed a motion that I would like to request if you can file it, on my behalf, at your earliest convenience.

If you was so kind to honor my request I would like to utilize this opportunity to thank you in advance.

Respectfully submitted,  
W. Mayo

cc:file

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1. Motion To Strike
2. Declaration In Support Of Motion To Strike  
Exhibit A
3. Brief In support Of Motion To Strike
4. Certificate Of Service

William Mayo  
Mr. William Mayo #FZ-2947  
SCI-Phoenix  
1200 Mokychic Drive  
Collegeville, Pa. 19426

Date: January 9, 2023



Mr William Mayo #FZ-2947  
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To: (the) Clerk of Court  
U.S. District Court  
P.O. Box 983  
228 Walnut St  
Harrisburg, Pa. 17108

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